

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

JAMES FARROW

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PLAINTIFF

CASE NO. 1:05cv326-LG-JMR

GEORGE PAYNE, JR., DIANE G. RILEY,

WAIVE PAYNE, PHIL TAYLOR AND

John Does

Defendants

AFFIDAVIT IN SUPPORT OF THE PLAINTIFF'S MOTION FOR THE
APPOINTMENT OF COUNSEL

JAMES FARROW, BEING duly sworn, deposes and says:

1. I AM THE PLAINTIFF IN THE ABOVE ENTITLED CASE. I MAKE THIS AFFIDAVIT IN SUPPORT OF MY MOTION FOR THE APPOINTMENT OF COUNSEL.
2. THE COMPLAINT IN THIS CASE ALLEGES THAT THE PLAINTIFF WAS SUBJECTED TO THE MISUSE OF FORCE BY SEVERAL CORRECTIONAL OFFICERS, SOME OF WHOM ACTIVELY BEAT AND KICKED HIM AND OTHERS OF WHOM WATCHED AND FAILED TO INTERVENE. IT ALLEGES THAT SUPERVISORY OFFICIALS WERE AWARE OF THE VIOLENT PROPENSITIES OF SOME OF THE OFFICERS AND ARE LIABLE FOR FAILING TO TAKE ACTION TO CONTROL THEM. THE PLAINTIFF WAS

SUBSEQUENTLY DENIED DUE PROCESS IN DISCIPLINARY
PROCEDURES AND [REDACTED] WAS PLACED IN SEGREGATION
UNDER UNSANITARY CONDITIONS. HE WAS DENIED
ORDERED MEDICAL CARE BY THE [REDACTED]
[REDACTED] JAIL MEDICAL ADMINISTRATION

- 3. THIS IS A COMPLEX CASE BECAUSE IT CONTAINS SEVERAL DIFFERENT LEGAL CLAIMS, WITH EACH CLAIM INVOLVING A DIFFERENT SET OF DEFENDANTS.
- 4. THE CASE INVOLVES MEDICAL ISSUES THAT MAY REQUIRE EXPERT TESTIMONY.
- 5. THE CASE WILL REQUIRE DISCOVERY OF DOCUMENTS AND DEPOSITIONS OF A NUMBER OF WITNESSES.
- 6. THE TESTIMONY WILL BE IN SHARP CONFLICT, SINCE THE PLAINTIFF ALLEGES THAT THE DEFENDANTS ASSAULTED HIM, WHILE THE DEFENDANTS ALLEGEE THAT THEY USED ONLY THE FORCE NECESSARY TO SUBDUCE AND RESTRAIN THE PLAINTIFF.
- 7. THE PLAINTIFF HAS ONLY A HIGH SCHOOL EDUCATION AND HAS NO LEGAL EDUCATION.

8. THE PLAINTIFF IS SERVING A SENTENCE IN S.M.C.I. PRISON, FOR THIS REASON HE HAS VERY LIMITED ACCESS TO LEGAL MATERIALS AND HAS NO ABILITY TO INVESTIGATE THE FACTS OF THE CASE, FOR EXAMPLE, BY LOCATING & INTERVIEWING THE OTHER INMATES WHO WERE EYEWITNESSES TO HIS BEATING.

9. AS SET FORTH IN THE MEMORANDUM OF LAW SUBMITTED WITH THIS MOTION, THESE FACTS, ALONG WITH THE LEGAL MERIT OF THE PLAINTIFF'S CLAIMS, SUPPORT THE APPOINTMENT OF COUNSEL TO REPRESENT THE PLAINTIFF.

WHEREFORE, THE PLAINTIFF'S MOTION FOR THE APPOINTMENT OF COUNSEL SHOULD BE GRANTED.

JAMES FARROW #16411
S.M.C.I. E-1, A-ZONE, BED 54
P.O. BOX 1419
LEAKESVILLE, MS 39451

Respectfully submitted



SWORN TO BEFORE ME THIS
7th DAY OF AUGUST 2008
Fiona Clark
NOTARY PUBLIC